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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/764,202

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Leo M. Pedlow JR.

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EXAMINER

CHIN, RICKY

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4157

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/764,202	Applicant(s) PEDLOW, LEO M.	
	Examiner Ricky Chin	Art Unit 4157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1-23-04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1-23-04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1-23-04; 11-03-04; 3-15-05; 6-2-05; 7-29-05; 10-28-</u> | 6) <input type="checkbox"/> Other: _____. |
| <u>05; 1-30-06; 4-25-06; 7-24-06; 10-30-06; 2-12-07; 5-17-07; 9-4-07.</u> | |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

2. Claims (1-23) are rejected under 35 U.S.C. 102(e) as being anticipated by Candelore, US 7,039,938.

Regarding claim 1, Candelore discloses a method of storage and distribution of video-on-demand content, comprising:

receiving a request from a subscriber terminal to transfer the selection of video content to the subscriber terminal (See col. 5, lines 42-44 wherein the content is ordered by a subscriber);

determining that the subscriber terminal is able to decrypt content encrypted under the first encryption system or under a second encryption system (See col.5

Art Unit: 2626

lines 42-63, where it is determined what type of STB is used and thus what type of CA encryption);

if the subscriber terminal is able to decrypt the content encrypted under the first encryption system, then routing a selection of content that has been encrypted under the first encryption system to the subscriber terminal (See col. 6 lines 10-15 which includes encrypting the identified segments of content using a first encryption method);

if the subscriber terminal is able to decrypt the content encrypted under the second encryption system, then: decrypting the selection of content encrypted under the first encryption system to produce clear content(See col. 5 lines7-60, which discloses that the encrypted portions of the content that are encrypted under a CA encryption not used by the ordering STB are stripped out to convert the multiple selectively encrypted VOD content into single selectively encrypted VOD content which is then provided to the ordering STB);

encrypting the selection of content under the second encryption system to produce a re-encrypted selection of content (See col. 5 lines 1-40, which refers to selectively re-encrypted content for the legacy and non-legacy CA providers);

and routing the re-encrypted selection of content to the subscriber terminal (See col. 5 lines 42-63, which states that the content is provided to the ordering STB).

Regarding claim 2, Candelore teaches all of the claim limitations according to claim 1, further he teaches of wherein the re-encrypting comprises selectively re-encrypting the selection of content (See col.5 lines 1-40, which refers to selectively re-encrypted content).

Regarding claim 3, Candelore teaches all the limitations according to claim 1, further he teaches of wherein the re-encrypting comprises fully re-encrypting the selection of content (See col. 5 lines 1-40, which discloses that encryption entails duplicating and critical segments of the content).

Regarding claim 4, Candelore teaches all the limitations according to claim 1, further he teaches of wherein the determining is carried out by reading information in the request (See col. 5 lines 42-63, which refers to using registration information stored at the head end).

Regarding claim 5, Candelore teaches all of the limitations according to claim 1, further he teaches of wherein the determining is carried out by reference to a database (See col.5 lines 42-67, which would inherently imply a database since the information is stored).

Regarding claim 6, Candelore teaches all the limitations according to claim 1, further comprising storing the selection of video content, the selection of

video content being stored as encrypted content, and wherein the selection of video content is encrypted under a first encryption system (See col.5 lines 21-41, which refers to the VOD content as being stored as selectively encrypted content and then transmitted as single selectively encrypted content).

Regarding claim 7, Candelore teaches all of the limitations according to claim 6, further comprising encrypting the selection of content under the first encryption system prior to the storing (See col.5 lines 21-41, which refers to the encrypted content being stored on the VOD server).

Regarding claim 8, Candelore teaches all of the limitations according to claim 1, further he teaches of wherein the determining is carried out in a session manager (See col. 5 lines 42-50 and col. 7 lines 4-7 which states that the cable system determines what type of STB and CA encryption system is used and that that process 200 can be carried out on any suitable programmed general purpose processor).

Regarding claim 9, Candelore teaches all of the limitations according to claim 8, further he teaches of wherein the session manager comprises a session manager program running on a programmed processor (See col. 7 lines 4-7 which states that the process of Fig.2 can be carried out on any suitable programmed general purpose processor).

Regarding claim 10, Candelore discloses a Video-On-Demand apparatus, comprising:

a video server that stores a selection of video content, the selection of video content being stored as encrypted content, and wherein the content is encrypted under a first encryption system (See Fig.4, 434);

a routing network for routing content to a subscriber terminal (See Fig. 1, 100);

a decrypter for decrypting the content under the first encryption system (See Fig.1, subscriber STB);

an encrypter for encrypting the content under a second encryption system (See col. 5 lines 1-20);

a session manager program running on a programmed processor that: receives a request from a subscriber terminal to transfer the selection of video content to the subscriber terminal (See col. 5 lines 42-44, and Fig 4, 410);

determines that the subscriber terminal is able to decrypt content encrypted under the first encryption system or under a second encryption system; (See col. 7 lines 4-5 which states that process 200 may be performed on a programmed processor) wherein, if the subscriber terminal is able to decrypt the content encrypted under the first encryption system, then the session manager directs

Art Unit: 2626

the routing network to route the selection of content encrypted under the first encryption system to the subscriber terminal (See claim 1 and col. 5 lines 7-63);

and wherein, if the subscriber terminal is able to decrypt the content encrypted under the second encryption system, then: the session manager directing the routing network to route the selection of content to the decrypter for decrypting the selection of content encrypted under the first encryption system to produce clear content (See claim 1 and col. 5 lines 7-63);

the session manager directing the encrypter to encrypt the selection of content under the second encryption system to produce a re-encrypted selection of content (See claim 1 and col. 5 lines 7-63);

and the session manager directing the routing network to route the re-encrypted selection of content to the subscriber terminal (See claim 1 and col.5 lines 59-63).

Regarding claim 11, Candelore teaches all of the limitations of the apparatus according to claim 10, further he teaches of wherein the re-encrypting comprises selectively re-encrypting the selection of content (See claim 2 and col.5 lines 1-40)

Regarding claim 12, Candelore teaches all of the limitations of the apparatus according to claim 10, further he teaches of wherein the re-encrypting

Art Unit: 2626

comprises fully re-encrypting the selection of content (See claim 3 and col.5 lines 1-40).

Regarding claim 13, Candelore teaches all of the limitations of the apparatus according to claim 10, further he teaches of wherein the determining is carried out by reading information in the request (See claim 4 and col.5 lines 42-63).

Regarding claim 14, Candelore teaches all of the limitations of the apparatus according to claim 10, further he teaches of wherein the determining is carried out by reference to a database (See claim 5 and col.5 lines 42-67).

Regarding claim 15, Candelore teaches all of the limitations of the apparatus according to claim 10, further comprising an encrypter for encrypting the selection of content under the first encryption system prior to storage on the video server (See claim 7 and col. 5. lines 21-41).

Regarding claims 16-19, the claims have been analyzed and rejected with regards to claims 1-5. See col. 7 lines 31-56 in which Candelore discloses an embodiment of an electronic storage medium.

Regarding claim 20, Candelore teaches all of the limitations of the computer readable storage medium according to claim 19, wherein the database

Art Unit: 2626

comprises a billing system database (See col. 5 lines 61-63 and col.7 lines 4-6 which discloses that the process 200 can be carried out on a programmed processor. Because the process is carried out on a programmed processor and the process includes billing, there must also be an associated billing system database).

Regarding claim 21-23, the claims have been analyzed and rejected with regards to claims 1-9.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1- US 6,229,895 – Son et al. discloses a secure distribution of video on-demand using re-encryption

2- US 6,157,719- Wasllewski et al. discloses a conditional access system for receiving the instances and selectively decrypting the instances for display to subscribers.

Contact

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky Chin whose telephone number is 571-270-3753. The examiner can normally be reached on M-F 8:30-6:00.

Art Unit: 2626

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on 571-272-7332. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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